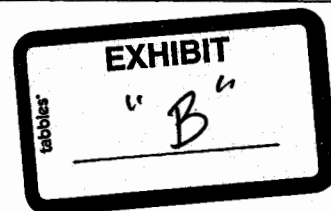


TRANSCRIPT

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CIVIL ACTION NUMBER: 04-11924-RGS



IAN J. BROWN, JAMES BROWN AND BARBARA BROWN,
Plaintiffs,

VS

UNITED STATES OF AMERICA, VERIZON NEW ENGLAND,
INC. and BOSTON EDISON COMPANY d/b/a NSTAR
ELECTRIC,

Defendants.

~~~~~

30(b)(6) DEPOSITION OF U.S. AIR FORCE  
BY DENNIS P. CRONIN, taken on behalf of the  
Verizon New England, Inc., pursuant to the  
applicable provisions of the Massachusetts Rules  
of Civil Procedure, before Ayako Odanaka, Notary  
Public, Certified Shorthand Reporter and  
Registered Professional Reporter within and for  
the Commonwealth of Massachusetts, at the  
Offices of Prince, Lobel, Glovsky & Tye, LLP,  
585 Commercial Street, Boston, Massachusetts, on  
April 28, 2005, at 1:10 p.m., as follows:



**Technologies you can Use • Experience you can Trust**

141 Portland Street, Suite 200, Boston, MA 02114  
Phone: 617.557.0039 • Toll Free: 1.888.922.JACK • Fax: 617.557.0040  
[www.jackdanielreporting.com](http://www.jackdanielreporting.com)

1 from looking at those documents, as to  
2 whether the Air Force has any interest in  
3 land over which Hartwell Road passes?

4 A. The only interest the Air Force has  
5 is in the trailer park.

6 Q. And what is that interest?

7 A. To maintain what we classify as the  
8 mobile home park, which is on both sides,  
9 both the north and the south side of  
10 Hartwell.

11 Q. Do you have an understanding  
12 whether the Air Force owns that property?

13 A. The Air Force only owns a very  
14 small piece of property and the rest is  
15 from a lease agreement with Massport.

16 Q. Are you familiar with which piece  
17 -- You indicated that the Air Force only  
18 owns a small piece.

19 A. Acreage wise, yes.

20 Q. And do you know where that piece is  
21 located?

22 A. Pretty much.

23 Q. Well, let me ask you this. Is it  
24 located north of Hartwell Road?



1 A. Yes.

2 Q. Does it own any property south of  
3 Hartwell Road?

4 A. No.

5 Q. And you indicated that some other  
6 property was maintained pursuant to a  
7 lease agreement with Massport.

8 A. There were various leases that we  
9 kept on file. Some of them did not  
10 pertain to the Air Force, but, again,  
11 because we're the regional real estate  
12 office, we're like a magnet, and we have  
13 to keep just about everything. If -- if  
14 you look at the trailer park agreement  
15 with Massport, you'll see it's broken up  
16 into three separate parcels.

17 Q. So there's a trailer park lease  
18 agreement with Massport.

19 A. That's correct.

20 Q. And was that lease agreement in  
21 effect as of January 4th, 2002?

22 A. Yes.

23 Q. Okay. And do you know -- You  
24 indicated that that was divided into three



1 individual pieces.

2 A. That one lease is divided into A, B  
3 and C.

4 Q. And do you know where the property  
5 for that lease is located?

6 A. Yes. Parcel A is the trailer park,  
7 both north and south side of Hartwell.  
8 Parcel B, I believe, is what we call  
9 FamCamp, which is not really near the  
10 trailer park at all. It's a recreational  
11 site closer to the -- the runway perimeter  
12 fence. And parcel C is a SAMSO facility  
13 site, which is closer to the Virginia Road  
14 end.

15 Q. Do all three of those parcels abut  
16 Hartwell Road?

17 A. No.

18 Q. Which parcels abut Hartwell Road?

19 A. Just the trailer park.

20 Q. And you indicated that Parcel A,  
21 with respect to the lease agreement with  
22 Massport, is both north and south of  
23 Hartwell Road.

24 A. That's correct.



18

1 Q. Do you know if it encompasses  
2 Hartwell Road as well?

3 A. It does not.

4 Q. And does the lease agreement  
5 specifically state that Hartwell Road is  
6 not part of that property?

7 A. No, it does not.

8 Q. How do you conclude that the lease  
9 agreement does not include Hartwell Road  
10 as well?

11 A. It's not our roadway.

12 Q. Do you know whose roadway it is?

13 A. I would be presumptuous, but I  
14 would say the Town of Bedford.

15 Q. Have you looked at any documents  
16 which indicate that the town owns the  
17 road?

18 A. No.

19 Q. Have you spoken to anyone that  
20 indicated the town owns the road?

21 A. I have spoken to Miss St. John, who  
22 is the Bedford engineer. This was almost  
23 a year and a half ago when this issue  
24 first came up, at which time we were



21

1 maintains Hartwell Road?

2 A. We do not.

3 Q. And if the Air Force were  
4 responsible for maintaining Hartwell Road,  
5 would that be something that falls within  
6 your job responsibilities?

7 A. Going back to 2002 date, yes.

8 Q. At January 4th, 2002, in your  
9 position then with the 66th Civil  
10 Engineering, did you have a list of roads  
11 at Hanscom for which you were responsible?

12 A. On base, yes.

13 Q. By the way, do you consider  
14 Hartwell Road off base?

15 A. Yes.

16 Q. And do you consider the trailer  
17 park area that you've referenced was under  
18 lease agreement off base?

19 A. Yes, we do.

20 Q. By Hanscom Air Force Base -- Strike  
21 that.

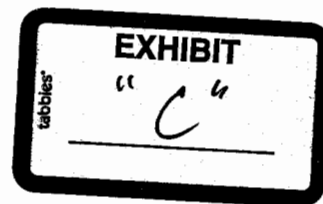
22 What do you consider it to be,  
23 Hanscom Air Force Base?

24 A. Anything inside the perimeter of



**TRANSCRIPT**

**STATES UNITED DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
C.A. NUMBER: 04-11924-RGS**



IAN J. BROWN, JAMES BROWN AND BARBARA BROWN,  
Plaintiffs,

VS

UNITED STATES OF AMERICA,  
VERIZON NEW ENGLAND, INC. AND BOSTON EDISON  
COMPANY D/B/A NSTAR ELECTRIC,  
Defendants.

~~~~~

RULE 30(b)(6) DEPOSITION OF ADRIENNE M.
ST. JOHN, taken on behalf of the Defendants,
pursuant to the applicable provisions of the
Massachusetts Rules of Civil Procedure, before
Laurie J. Driggers, a Certified Realtime
Reporter, Registered Professional Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, at the Offices of Prince, Lobel,
Glovsky & Tye, LLP, 585 Commercial Street,
Boston, Massachusetts, on April 13, 2005,
commencing at 9:37 a.m.



Technologies you can Use • Experience you can Trust

141 Portland Street, Suite 200, Boston, MA 02114
Phone: 617.557.0039 • Toll Free: 1.888.922.JACK • Fax: 617.557.0040
www.jackdanielreporting.com

34

1 A. That's it.

2 Q. Okay. Ms. St. John, are you
3 familiar with Hartwell Road in the Town of
4 Bedford?

5 A. I am.

6 Q. Okay. And by the way, just so the
7 record's clear, there is also a Hartwell
8 Ave. in Bedford; is that correct?

9 A. No. Hartwell Ave. is in Lexington.

10 Q. And Hartwell Ave. that you speak of
11 in Lexington, that runs into Hanscom Air
12 Force Base; is that correct?

13 A. It does.

14 Q. And just so we're clear, we're
15 speaking about the Hartwell Road in
16 Bedford, correct?

17 A. Mm-hmm. Yes.

18 Q. Have you ever driven on Hartwell
19 Road before?

20 A. Yes, I have.

21 Q. Frequently?

22 A. Yes, I have.

23 Q. You say you've been the -- you've
24 worked for the town for 18 years; is that



1 correct?

2 A. I've been the public works engineer
3 for 18 years.

4 Q. Okay. How long have you worked for
5 the town?

6 A. Nineteen-and-a-half.

7 Q. And in that 19-and-a-half years,
8 how many times could you estimate that
9 you've driven on Hartwell Road before?

10 A. Hundreds.

11 Q. Okay. So you're very familiar with
12 -- with the road.

13 A. I am.

14 Q. Okay. Can you tell me what roads
15 Hartwell Ave. travels between?

16 A. Hartwell Road?

17 Q. Yes. Did I say Hartwell Avenue?

18 A. You did.

19 Q. Okay. Can you tell me what roads
20 Hartwell Road travels between?

21 A. Hartwell Road connects -- travels
22 between Concord Road in Bedford and South
23 Road in Bedford.

24 Q. Is Concord Road Route 62?



1 A. The real estate plans that we
2 brought today?

3 Q. Yes.

4 A. I don't think so, no.

5 Q. Okay. So to your knowledge, the
6 only records would be the -- the town
7 meeting record of the town meeting votes.

8 A. Yes.

9 Q. That would reflect whether or not a
10 road was a public way.

11 A. Yes.

12 Q. Okay. And to the best of your
13 understanding, Exhibit Number 2 lists all
14 of those public ways.

15 A. Yes.

16 Q. Okay. I want to ask you some
17 questions about the maintenance of Hartwell
18 Road.

19 A. Mm-hmm.

20 Q. Does the Town of Bedford maintain
21 Hartwell Road?

22 A. In what -- In what aspect?

23 Q. Does the town plow Hartwell Road?

24 A. Yes, we do.



1 Q. Sand?

2 A. Yes.

3 Q. Street sweep?

4 A. Yes.

5 Q. Pave?

6 A. Not on -- We paved it where we did
7 the sewer repairs.

8 Q. Okay. Do you know who initially
9 paved Hartwell Road?

10 A. No.

11 Q. Do you know when the town undertook
12 -- Well, let me finish some other
13 questions.

14 Does the town paint the lines on
15 the road?

16 A. We do.

17 Q. Okay. If there are potholes at the
18 end of the winter, does the town fill
19 those potholes?

20 A. We do.

21 Q. Okay. To your knowledge, does any
22 other entity have responsibility for
23 maintaining Hartwell Road?

24 A. The section of Hartwell Road that's



1 A. No.

2 Q. Okay. You've indicated it could be
3 Massport or it could be the government.

4 A. It could be the government, yeah.

5 Q. Okay.

6 A. I -- This portion happens to be
7 labeled -- labeled United States
8 Government.

9 Q. Okay. Just for the record, south
10 of Hartwell Road --

11 A. Mm-hmm.

12 Q. -- is that Hanscom Field?

13 A. Yes.

14 Q. And that's where the runways exist.

15 A. Yes.

16 Q. Okay. By the way, the -- are you
17 familiar with Hanscom Air Force Base?

18 A. Yes.

19 Q. And to your knowledge, is that
20 located south of Hanscom Field where the
21 runways are located?

22 A. Yes.

23 Q. Okay. And Hartwell Road does not
24 directly access Hanscom Air Force base,



1 does it?

2 A. No.

3 Q. Okay. I asked you some questions
4 about the town maintaining Hartwell
5 Road --

6 A. Yes.

7 Q. -- and I asked you if -- and you
8 indicated that the town plows, sweeps,
9 paints, fills potholes. Does the town do
10 those things over the portion of Hartwell
11 Road which is owned by Hanscom?

12 A. Yes.

13 Q. Okay. And do you know when the
14 Town of Bedford started doing those
15 things?

16 A. No.

17 Q. Have they done it throughout your
18 entire 18 years?

19 A. Yes.

20 Q. Okay. And you're not aware of
21 anyone else either plowing, sweeping,
22 painting or filling potholes on Hartwell
23 Road.

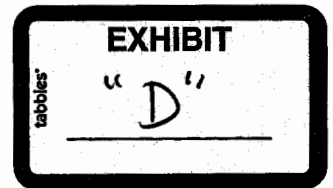
24 A. I've never seen anybody else do it.



TRANSCRIPT

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NUMBER: 04-11924-RGS



IAN J. BROWN, JAMES BROWN AND BARBARA BROWN,
Plaintiffs,

VS

UNITED STATES OF AMERICA, VERIZON NEW ENGLAND,
INC. and BOSTON EDISON COMPANY d/b/a NSTAR
ELECTRIC,
Defendants.

~~~~~

30(b)(6) DEPOSITION OF U.S. NAVY BY  
ARTHUR R. HAYES, III, taken on behalf of Verizon  
New England, Inc., pursuant to the applicable  
provisions of the Massachusetts Rules of Civil  
Procedure, before Ayako Odanaka, Notary Public,  
Certified Shorthand Reporter and Registered  
Professional Reporter within and for the  
Commonwealth of Massachusetts, at the Offices of  
Prince, Lobel, Glovsky & Tye, LLP, 585  
Commercial Street, Boston, Massachusetts, on  
April 28, 2005, at 11:14 a.m., as follows:



**Technologies you can Use • Experience you can Trust**

141 Portland Street, Suite 200, Boston, MA 02114  
Phone: 617.557.0039 • Toll Free: 1.888.922.JACK • Fax: 617.557.0040  
[www.jackdanielreporting.com](http://www.jackdanielreporting.com)

38

1 States of America, but upon the express  
2 condition that the Commonwealth of  
3 Massachusetts shall retain concurrent  
4 jurisdiction with the United States of  
5 America in and over said lands.

6 A. That's right.

7 Q. Can you tell me what that means?

8 A. Basically the government is  
9 responsible for placing fire protection but  
10 the commonwealth reserves the right to  
11 still serve due process if they have to go  
12 on the property to arrest somebody for a  
13 crime.

14 Q. And that relates to the land that  
15 was transferred -- Strike that.

16 That particular legend that we were  
17 just discussing relates to the transfer of  
18 about 36 acres from the Air Force to the  
19 Navy.

20 A. Yes.

21 Q. Back in 1977, I believe.

22 A. Correct.

23 Q. Are you aware of any restrictions  
24 that the Navy has placed upon travel by





1 the general public over the portion of  
2 Hartwell Road that falls within the tract  
3 identified on Exhibit 2?

4 A. No.

5 Q. Have you, in the course of  
6 preparing for this deposition or in your  
7 review of the file, the files relating to  
8 this property, have you seen any records  
9 relating to the installation of a  
10 guardrail along Hartwell Road?

11 A. No, I have not.

12 Q. Would there be any records that  
13 you're aware of -- Strike that.

14 MR. CHARNAS: Can we go off  
15 the record for a second?

16 MR. CALLAHAN: Sure.

17 (Discussion off the record).

18 BY MR. CALLAHAN:

19 Q. Are you aware, Mr. Hayes, of any  
20 records obtained or kept by the Navy,  
21 which show whether or not the guardrail  
22 along Hartwell Road was in existence at  
23 the time the Navy acquired its right title  
24 and interest in the property?




CERTIFICATE OF SERVICE

I, Michael K. Callahan, counsel for the defendant Boston Edison Company in the above-entitled matter, hereby certify that on May 19, 2005 I mailed, postage pre-paid, copies of the foregoing document to the following counsel/parties of record:

Scott E. Charnas, Esq.  
Manheimer & Charnas LLP  
210 Commercial Street  
Boston, Massachusetts 02109

William A. Worth, Esq.  
Prince, Lobel, Glovsky & Tye, LP  
585 Commercial Street  
Boston, Massachusetts 02109

Damian W. Wilmot, Esq.  
U.S. Attorney's Office  
John Joseph Moakley United States Courthouse  
Suite 9200  
1 Courthouse Way  
Boston, MA 02210

  
Michael K. Callahan